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In the Iowa Supreme Court

CLERK SUPREME COURT

Request for Public Comment)	
on Proposed Amendments to)	
Chapter 2, Iowa Rules of)	Order
Criminal Procedure)	

The Iowa Supreme Court is seeking comment on a proposed comprehensive revision of the Iowa Rules of Criminal Procedure, chapter 2 of the Iowa Court Rules. The Iowa Rules of Criminal Procedure have not undergone a comprehensive revision since they became effective in 1978.

The revision seeks to achieve five separate goals:

1. Streamlining and simplification of the rules and elimination of outdated language.
2. Reorganization of the rules (to a limited extent).
3. Updating the rules to reflect court decisions and legislation.
4. Filling in gaps in the existing rules.
5. A few substantive changes.

On April 3, 2018, the supreme court established the Iowa Rules of Criminal Procedure Review Task Force. The task force's charter was to review the existing rules and develop a set of possible rule changes. The task force includes judges, prosecutors, defense attorneys, and law professors from around the state. Its members are:

- Honorable Thomas Bitter, District Court Judge, Dubuque
- Angela Campbell, Criminal Defense Attorney, Des Moines
- Mary Conroy, Assistant Appellate Defender, Ames
- Honorable Meghan Corbin, Criminal Defense Attorney and Magistrate, Davenport
- David Denison, Staff Attorney, Iowa Supreme Court
- Honorable Linda Fangman, District Court Judge, Waterloo

- Gerald Feuerhelm, Criminal Defense Attorney, Des Moines
- Honorable Myron Gookin, District Court Judge, Fairfield
- Aaron Hawbaker, State Public Defender's Office, Waterloo
- Professor Emily Hughes, University of Iowa College of Law, Iowa City
- Jaki Livingston, Assistant Polk County Attorney, Des Moines
- Professor David McCord, Drake University Law School, Des Moines
- Honorable Edward Mansfield, Justice, Iowa Supreme Court, Des Moines, Chair
- Alan Ostergren, Muscatine County Attorney, Muscatine
- Honorable David Porter, District Court Judge, Des Moines
- Darin Raymond, Plymouth County Attorney, LeMars
- Aaron Rogers, Assistant Attorney General, Des Moines
- Honorable DeDra Schroeder, District Court Judge, Osage
- Alfred Willett, Criminal Defense Attorney, Cedar Rapids

The entire task force has met eight times. In addition, subcommittees of the task force have met on many occasions to work on specific areas, such as drafting, discovery, grand juries, immunity, pleas and plea bargaining, social media, sentencing, and trial on the minutes. In early November 2019, the task force submitted its proposed revisions to the indictable offense rules (2.1–2.37) to the supreme court. A half-day meeting between the task force and the court took place. Following that meeting, in late February 2020, the task force resubmitted its proposed revisions to the indictable offense rules with a few modifications. The task force also submitted its proposed revisions to the simple misdemeanor rules (2.51–2.76). The court has now approved circulation of the task force's proposed rule revisions for public comment.

The full text of the proposed rule revisions is provided with this order and
is also available at

<https://www.iowacourts.gov/collections/483/files/1062/embedDocument/>.

Because of the number of changes, it was not deemed feasible to include a red-lined comparison to the existing rules. For the benefit of interested persons, a summary of the proposed rule revisions is available at <https://www.iowacourts.gov/collections/483/files/1064/embedDocument/>.

In addition, a modified version of a PowerPoint developed by the task force for presentations on the rule revisions is available at <https://www.iowacourts.gov/collections/483/files/1067/embedDocument/>.

The summary and the PowerPoint are intended as guides, but are not substitutes for reviewing the proposed rule revisions themselves. Neither the summary nor the PowerPoint discuss all of the revisions, and neither of them is binding or authoritative. Copies of the proposed rule revisions, the summary, and the PowerPoint are also available through the office of the Clerk of the Iowa Supreme Court.

Interested persons are encouraged to read the proposed rule revisions side-by-side with the existing rules. Interested persons are also welcome to contact any member of the task force with questions. However, any comments should be submitted as public comments in the manner indicated below.

The proposed rule revisions reflect the overall work of the task force, although not every task force member agreed with every change. The supreme court has not approved the proposed rule revisions; rather, the court seeks public comment before taking further action.

Any interested organization, agency, or person may submit written comments. Comments about a proposed rule amendment must refer to the specific rule number and line number (for example, rule 2.2(2)(b), lines 23–25). Email comments must be sent to **rules.comments@iowacourts.gov**, must state “**Chapter 2 Amendments**” in the subject line of the email, and must be sent **as**


an attachment to the email in Microsoft Word format. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Iowa Supreme Court, 1111 East Court Avenue, Des Moines, Iowa, 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

The deadline for submitting comments is 4:30 p.m. on Tuesday, June 30, 2020.

Dated this 30th day of March, 2020.

The Iowa Supreme Court

By 

Susan Christensen, Chief Justice

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